

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-CV-862**

DEMOCRATIC NATIONAL
COMMITTEE; NORTH CAROLINA
DEMOCRATIC PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; KAREN BRINSON BELL,
in her official capacity as Executive
Director of the North Carolina State Board
of Elections; ALAN HIRSCH, in his official
capacity as Chair of the North Carolina
State Board of Elections; JEFF CARMON,
in his official capacity as Secretary of the
North Carolina State Board of Elections;
STACY EGGERS IV, KEVIN N. LEWIS,
and SIOBHAN O'DUFFY MILLEN, in
their official capacities as members of the
North Carolina State Board of Elections,

Defendants.

**PROPOSED INTERVENOR-
DEFENDANTS' MOTION FOR
EXPEDITED CONSIDERATION**

NOW COME proposed Intervenor-Defendants Philip E. Berger, President *Pro Tempore* of the North Carolina Senate, and Timothy K. Moore, Speaker of the North Carolina House of Representatives, on behalf of the North Carolina General Assembly and as agents of the State of North Carolina, by and through undersigned counsel and, pursuant to Local Rule 7.3 and the inherent authority of this Court, respectfully move for expedited

consideration of their Motion to Intervene and Memorandum in Support, ECF Nos. 31–32.

In support of this Motion, proposed Intervenor-Defendants show the Court as follows:

1. This action was filed on October 10, 2023. [ECF No. 1]. On the same day, Plaintiffs filed a Motion for Preliminary Injunction seeking to enjoin all “defendants, their agents, successors in office, and all persons acting in concert with them from enforcing certain provisions of Senate Bill 747, recently enacted by the North Carolina General Assembly.” [ECF No. 6]. Plaintiffs requested oral argument on the motion pursuant to Local Rules 7.3(c)(1) and 65.1(b) “given the importance of the issues.” [*Id.*].

2. Shortly thereafter, on October 16, 2023, proposed Intervenor-Defendants filed their Motion to Intervene and Memorandum in Support. [ECF Nos. 31–32]. Proposed Intervenor-Defendants’ clear interests in upholding the validity of S.B. 747 are described in detail in the Motion and supporting Memorandum, which are incorporated herein by reference. [*See id.*]. Counsel for Plaintiffs took no position on proposed Intervenor-Defendants’ Motion to Intervene. [*See id.*].

3. Under the Local Rules, the time to respond to a motion for preliminary injunction is generally twenty-one days after service of the Motion. *See* Local Rule 7.3(f). As such, the earliest possible deadline for any party to respond to Plaintiffs’ Motion for Preliminary Injunction is November 2, 2023. [*See* ECF No. 33].

4. On October 30, 2023, the North Carolina State Board of Elections Defendants (“State Board Defendants”) filed an unopposed motion for extension of time to answer and respond to Plaintiffs’ Motion for Preliminary Injunction. [ECF No. 37]. In

their motion the State Board Defendants specifically noted that it “may be beneficial to the parties for the State Board Defendants and any Intervenor-Defendants permitted to intervene to respond to Plaintiffs’ motion for preliminary injunction at the same time.” [Id.].

5. In light of Plaintiffs’ Motion for Preliminary Injunction and the impending response deadline, which has not yet passed, time is of the essence for proposed Intervenor-Defendants to join the case to be able to put on their defense of S.B. 747.

6. Expedited consideration of proposed Intervenor-Defendants’ Motion for Intervention is warranted to ensure that proposed Intervenor-Defendants can fully and fairly participate in these proceedings. Should proposed Intervenor-Defendants be admitted, they intend to file an opposition to the Motion for Preliminary Injunction, as well as a partial motion to dismiss. Expedited consideration will also allow the briefing and subsequent argument on the preliminary injunction to proceed in an orderly fashion, as detailed by the State Board Defendants in ECF No. 37, by providing clarity regarding deadlines and will help preserve judicial resources should this matter be consolidated with the other two pending matters challenging S.B. 747¹.

7. Expedited consideration is within the equitable powers of this Court and is justified by the facts of this case.

¹ *Voto Latino, et al. v. Hirsch, et al.*, M.D.N.C. No. 1:23-cv-861 (Oct. 10, 2023); *Democracy N. Carolina, et al. v. Hirsch, et al.*, M.D.N.C. No. 1:23-cv-878 (Oct. 17, 2023).

WHEREFORE, for the foregoing reasons, proposed Intervenor-Defendants respectfully move this Court for expedited consideration of their Motion to Intervene.

Respectfully submitted this 30th day of October, 2023.

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/s/ Phillip J. Strach

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Counsel for proposed Intervenor-Defendants

CERTIFICATE OF SERVICE

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 30th day of October, 2023.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Phillip J. Strach

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